IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 283 of 2006

1. Tamrej @ Mintu S/o Akhalaq
2. Alam S/o Illiyas
   Both R/o Village Khatakhadi
   Police Station Jhaberada
   District Haridwar

... Applicants

Vs

1. State of Uttaranchal
2. Civil Judge (Junior Division) Roorkee
3. Sulaman @ Babu S/o Masooq Ali
   R/o Village Khatakhadi
   Police Station Jhaberada
   District Haridwar ... Respondents

Sri Manish Arora, learned counsel for the petitioner
Learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant/petitioner who is facing trial in Case No. 55 of 2006 State Vs Alam & another under Sections 307, 504 I.P.C. pending in the court of Civil Judge (J.D.) Roorkee.

2. Brief facts giving rise to this petition are that the First Information Report was lodged against the petitioner on 09.10.2005. The police investigated the matter and thereafter chargesheet was submitted against the petitioner on 22.12.2005. The petitioner has thus filed this petition for quashing the entire proceedings of the above mentioned criminal case.

3. Heard Sri Manish Arora, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Learned counsel for the petitioner has submitted before the Court that the First Information Report in this case

was lodged after delay of one day i.e. 09.10.2005 while the accident took place on 08.10.2005.

5. I do not find any force in this argument. After having considered the arguments of the learned counsel for the petitioner, I am of the view that there is no abuse of process of court in this case. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence, at this stage. Any judgment rendered by me would amount to premature judgment, especially under the circumstances where the evidence is yet to be adduced before the court concerned.

6. I do not find any ground for quashing the criminal proceedings at this stage. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

8. However, in case, if the petitioners appear before the court below for obtaining the bail, their bail shall be considered expeditiously.

(B.C. Kandpal, J.)

11.08.2006
ASWAL